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CLCS

COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF

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STATEMENT BY THE CHAIRMAN OF THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF ON THE PROGRESS OF WORK IN THE COMMISSION

1. The first session of the Commission on the Limits of the Continental Shelf was held at United Nations Headquarters, New York, from 16 to 20 June 1997. The Commission held a total of nine meetings.

2. The following members of the Commission attended the session: Mr. Alexandre Tagore Medeiros de Albuquerque, Mr. Osvaldo Pedro Astiz, Mr. Lawrence Folajimi Awosika, Mr. Aly Ibrahim Beltagy, Mr. Samuel Sona Betah, Mr. Harald Brekke, Mr. Galo Carrera Hurtado, Mr. André C. W. Chan Chim Yuk, Mr. Peter F. Croker, Mr. Noel Newton St. Claver Francis, Mr. Kazuchika Hamuro, Mr. Karl H. F. Hinz, Mr. A. Bakar Jaafar, Mr. Mladen Juračić, Mr. Yuri Borisovitch Kazmin, Mr. Iain C. Lamont, Mr. Wenzheng Lu, Mr. Chisengu Leo Mdala, Mr. Yong Ahn Park, Mr. Daniel Rio and Mr. Krishna-Swami Ramachandran Srinivasan.

3. The Commission had before it the following documents: provisional agenda (CLCS/L.1); draft rules of procedure of the Commission (SPLOS/CLCS/WP.1); a study prepared by the Secretariat on the functions and scientific and technical needs of the Commission in assessing the submission of a coastal State (SPLOS/CLCS/INF/1).

4. The meeting was opened by the Representative of the Secretary-General of the United Nations, Mr. Hans Corell, the United Nations Legal Counsel.

5. In his opening statement Mr. Corell suggested that the rules of procedure as drafted by the Secretariat, should be considered by the Commission, and if the Commission generally agreed with them it could adopt them provisionally. This would allow the Commission to further develop the rules by adding others it considered necessary before their formal adoption.

6. He informed the meeting that arrangements were being made for a ceremony in which the members of the Commission would make the solemn declaration during the swearing-in ceremony. That occasion would be an important and historic one, marking the completion of the establishment of the three institutions created by the 1982 United Nations Convention on the Law of the Sea: the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. The Legal Counsel emphasized the fact that the Commission did not consist of States or representatives of States, but members who had been elected in their personal capacity in recognition of their outstanding expertise in specific fields of science.

7. The Commission elected Mr. Yuri Borisovitch Kazmin (Russian Federation) by acclamation as its Chairman. Following consultations undertaken by the Chairman, Mr. Osvaldo Pedro Astiz, Mr. Lawrence Folajimi Awosika and Mr. Krishna-Swami Ramachandran Srinivasan were elected Vice-Chairmen and Mr. Peter Croker was elected Rapporteur. All these officers were elected to a term of two and a half years.

8. The Commission adopted its provisional agenda (CLCS/L.1). The Commission also decided to consider in detail the draft rules of procedure prepared by the Secretariat (SPLOS/CLCS/WP.1) and agreed that those rules which were considered and adopted without an amendment would not be subjected to a second reading. Those which were amended would have to go through a second reading before they could be adopted. In the light of this decision, rules 4, 6, 7, 8, 10, 11, 12, 14 to 17, 24 to 30, 32, 35, 37, 38, 39, 42, 43, 46, 47, 49, 52 and 53 were adopted by the Commission; and rules 1 to 3, 5, 9, 13, 18 to 23, 31, 33, 34, 36, 40, 41, 44, 45, 48, 50, 51, 54 and 55 will be then subject of a second reading at the next session of the Commission.

9. The draft rules relating to the issue of confidentiality, which were not included in the original draft rules of procedure, were adopted with amendments proposed by members and were then incorporated into the rules of procedure. In addition, the Commission decided that a separate declaration on this subject would be drafted, then to be signed by each member.

10. Concerning protection from possible financial liability of members of the Commission resulting from potential breaches of the rules of confidentiality, the Chairman noted that views had been expressed that some provisions would have to be made giving members of the Commission immunity from legal process in the performance of their functions. This could be achieved either through a protocol on privileges and immunities to be adopted by the Meeting of States Parties or by an undertaking to be signed by the coastal States when seeking technical and scientific advice from the Commission. No consensus was reached on this matter and the Commission decided to consider it further at its next session.

11. Although the Commission held detailed discussions on rule 44 dealing with the question of delimitation of boundaries between States with opposite or adjacent coasts, the Commission decided to defer the adoption of this rule until such time when a Meeting of States Parties has had an opportunity to review the proposed rules formulated by the Commission regarding this issue.

12. The ceremony in which the members of the Commission made the solemn declaration took place at United Nations Headquarters on Thursday, 19 June 1997. The ceremony was conducted by Mr. Hans Corell, on behalf of the Secretary-General, in the presence of representatives of Member States. In his statement during the ceremony, the Legal Counsel noted that the Commission was of paramount importance to the United Nations and to the international community as a whole and would play a pivotal role in the establishment of the outer limits of the continental shelf of coastal States beyond 200 nautical miles. He wished all the members success as they embarked upon their important role as members of the Commission.

13. Since the Commission had almost completed the first round of its consideration of the rules of procedure, it decided that at its next session it would proceed with the second reading of the rules as well as the consideration of the remaining items on the agenda: organization of work; modus operandi of the Commission; guidelines for the provision of scientific and technical advice to coastal States; and other matters.

14. The Commission decided to establish a subsidiary body of five members which would deal with the question of advice to coastal States. Following consultations among the members, Mr. Aly Ibrahim Beltagy, Mr. Kazuchika Hamuro, Mr. Noel Newton St. Claver Francis, Mr. Karl H. F. Hinz and Mr. Mladen Juračić were elected members of this subsidiary body, with Mr. Hinz as its Chairman.

15. The Commission decided to hold its next session from 2 to 12 September 1997 at United Nations Headquarters in New York. A few members, however, indicated that owing to previous commitments they would not be able to attend. Others felt that they could not commit themselves to attend the next session of the Commission until their Governments had considered the financial implications.

16. The Commission also decided to hold two sessions in 1998, in spring for a period of one week and in autumn for a period of two weeks.

17. The Commission further decided to propose to the Meeting of States Parties for its consideration the creation of a fund to be administered by the Secretary-General of the United Nations. The fund would be used to cover the travel and accommodation expenses of members of the Commission from developing countries.

18. The Chairman expressed his appreciation to all the members of the Commission for the frank and open manner in which the discussions had been held, as well as for their cooperation in the constructive work carried out during the session and for the considerable progress already made on the rules of procedure. The Commission expressed its appreciation to Mr. Hans Corell and the staff of the Division for Ocean Affairs and the Law of the Sea for the preparation of the documents of the Commission and for their assistance during the session as well as other staff, including the interpreters, who contributed to the servicing of the first session of the Commission.